

REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of March 6, 2008 be extended three months, from June 6, 2008 to September 8, 2008 (September 6 being a Saturday).

The Commissioner is hereby authorized to charge the extension fee and any additional fees associated with this communication to Deposit Account No. 50-4364.

In the Office Action, the Examiner indicated that claims 1 through 16 are pending in the application and the Examiner rejected all of the claims.

Objections to the Specification, Claims, and Abstract

On page 2 of the Office Action, the Examiner has objected to claim 8 for containing an incorrect dependency. Applicant has amended claim 8 in accordance with the Examiner's suggestion.

Also on page 2, the Examiner has objected to the Abstract as failing to be in narrative form. Applicant has amended the Abstract in accordance with the Examiner's requirement, and made an additional change to conform the Abstract to amended claim 1.

The Examiner has objected to various typographical errors on pages 3 and 6 of the specification. Applicant thanks the Examiner for calling Applicant's attention to these errors and has amended those paragraphs in accordance with the Examiner's suggestions.

The Examiner has objected to page 10, line 4, of the disclosure and required that the terms "Ta" and "Tc" be defined. Applicant respectfully directs the Examiner's attention to page 9, lines 27-29, wherein these terms are defined.

In view of the above, applicant respectfully requests that the Examiner reconsider and withdraw the objections to the specification, claims and Abstract.

Rejection under 35 U.S.C. § 103

On page 3 of the Office Action, the Examiner rejected claims 1-10, 15, and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0088580 to Desai et al. in view of International Publication No. WO 03/003688 to Pabla et al. and further in view of U.S. Patent No. 6,976,093 to Lara et al. On page 8 of the Office Action, the Examiner rejected claims 11-12 and 14 under 35 U.S.C. §103(a) as being unpatentable over Desai et al. in view of Pabla et al., and further in view of Lara et al., and further in view of U.S. Patent Application Publication No. 2004/0077340 to Forsyth. On page 10 of the Office Action, the Examiner has rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Desai et al. in view of Pabla et al., and further in view of Lara et al., and further in view of U.S. Patent Application Publication No. 2004/0078292 to Blumenau.

The Examiner Has Not Established a Prima Facie Case of Obviousness

KSR (*KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385 (2007)) requires that an Examiner provide “some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness.” Further, an Examiner must “identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does,” In addition, the Examiner must make “explicit” this rationale of “the apparent reason to combine the known elements in the fashion claimed,” including a detailed explanation of “the effects of demands known to

the design community or present in the marketplace” and “the background knowledge possessed by a person having ordinary skill in the art.”

The Examiner has not met these requirements. A point of significance of the present invention is the management of caching in a predictive manner. More specifically, the present invention defines a method that intelligently and automatically works out what web pages a user is most interested in viewing, based on a viewing log, and ensures that any *updates* to those pages are automatically sent to the device cache before the user even attempts to view those web pages.

The present invention is not an obvious modification of any of the cited art (Desai, Pabla, Lara, Forsyth, and Blumenau) because the idea of predictive caching of *updated* content, based on previous viewing history, is nowhere in any of the cited art, nor is it common general knowledge. The Examiner has cited US 2003/088580 (Desai) as the primary citation. In Desai, a web server receives a request for a web page from an end-user’s computer; the web server then analyzes that web page for embedded references to other web pages and automatically sends those other pages for storage at a cache that is local to the end-user’s computer. If the end-user actually requests one of those cached web pages, then it is sent from the cache and not the remote web-server.

In the present claimed invention, there is a ‘remote computer’ that receives the content log from the end-user device; this remote computer is separate from the various web servers but is connected to them all. The remote computer is not part of any one single web server infrastructure. This is important, because if it were tied to a particular web server, then it would be limited to causing content to be cached solely from that *one* web-server. There is nothing in Desai equivalent to the claimed requirement for a remote computer that is separate from, but connected to, many different web servers.

The Examiner accepts this distinction, but cites Pabla in making an obviousness rejection. Pabla describes in essence a conventional client-server architecture, with the client browsing devices interacting solely with the web servers (see for example Figure 1, where computer 500 interacts directly with server 523). Thus, in Pabla, just as in Desai, there is nothing equivalent to the claimed requirement for a remote computer that is separate from, but connected to, many different web servers. This is because there is no entity equivalent to a remote computer that receives a viewed content log from the end-user device.

The Pabla ‘gateway’ certainly is not equivalent – it acts in essence as a protocol transformation engine:

“In this three-tier architecture, the gateway is below the application layer and acts as a general purpose protocol transformation engine. Therefore, the gateway had very little to do with how server applications and client applications interact in a peer-to-peer fashion”.
Page 8 2nd para.

There is therefore nothing in Pabla equivalent to the claimed ‘remote computer’ that is separate from, but connected to, many different web servers, yet also monitors the browse activity of the end-user devices. There would be no reasons to modify Pabla to include this kind of additional structure; it is simply not an obvious modification to Pabla.

Hence, neither Desai nor Pabla, alone or in combination, teach or suggest the claimed method step of:

“receiving at a remote computer, connected to both the device and each of those web servers, a log of data identifying content that has been viewed by that specific device, the log being generated and sent by the device”. (Claim 1)

In addition to the above, in the present invention, a step of “identifying any of that viewed content that has been *updated*” is claimed. There is no equivalent step in Desai; the core, unusual

feature of Desai is that the web server automatically searches a requested web page for other linked pages that the user might seek to download. But analyzing whether any already seen pages have been *updated* is not done at all, nor is it suggested.

In the present invention, it is only *updated* content corresponding to *already seen* content that is pre-emptively cached. In Desai, it is only pages linked to a page that has already been requested that are pre-emptively cached. Updated versions of already-seen content are not cached.

Pabla does not remedy this gap. The example of mail synchronization in Pabla states that the following:

“Sinking (*sic*) allows clients that have desktop machines from which they can access e-mail, calendar and other functions to sink (*sic*) up their cell phones or wireless devices with their desktop to allow access to those functions from the wireless device.” Page 10 3rd para.

If Pabla were to be modified to the scheme proposed in this invention, then the effect would be to predictively cache updated versions of mail already seen (perhaps a new mail threaded to an existing, viewed mail). But that would make no sense: a user is not especially interested in seeing updates to mails already read. Instead, the user wants in particular to see all new and unread mails. So it is unreasonable to say that the skilled person not merely could modify Pabla to cover what is now claimed in this application, but that it is predictable or obvious that he actually *would* do so. Such a modification would be very far from the skilled person’s mind, since it defeats the normal purpose of the kinds of applications and services that the Pabla system provides (i.e. mail, calendar, etc.). The Examiner in fact appears to accept that

Desai in view of Pabla does not expressly disclose the remote computer automatically identifying any of that viewed content that has been updated.

But, as the analysis above shows, not only is this not expressly disclosed, but it would seem to be contrary to the objective and function of such a combination. Consequently, it is not reasonable to seek to combine Desai and Pabla with any third item of prior art in order to produce a mosaic of art that covers Claim 1.

The Examiner does in fact combine Desai in view of Pabla with Lara, and also with Forsyth and Blumenau. The Examiner cites three sections in Lara. The first is:

Col 2, lines 35 – 38: “A web service system of the invention also can track content changes and notify caching servers as appropriate that cached content has become invalid”

That falls far short of disclosing a remote computer automatically identifying any of the viewed content that has been updated. It does not seem to have any bearing on *viewed* content at all. The remaining cited paragraphs lack relevance for the same reason.

Thus, even if it were permissible to combine Desai, Pabla and Lara (which Applicant denies), then the combination would still not disclose the claim element of a remote computer automatically identifying any of that viewed content that has been updated. Further, the addition of Forsyth and/or Blumenau fails to teach or suggest the claimed elements.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-16 under 35 USC §103.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge the extension fee and any additional fees associated with this communication to applicant's Deposit Account No. 50-4364.

Respectfully submitted

September 8, 2008
Date

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